

STATE OF WISCONSIN

CIRCUIT COURT

SAWYER COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 04-CF-141

CHAI VANG,

Defendant.

AFFIDAVIT IN RESPONSE TO DEFENDANT'S MOTION FOR CHANGE OF VENUE

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

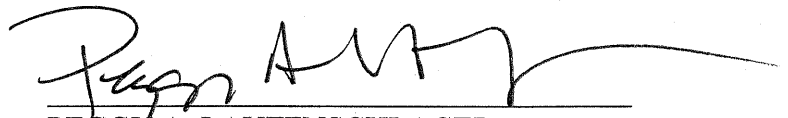
PEGGY A. LAUTENSCHLAGER, being first duly sworn, on oath deposes and states as follows:

1. I am the Attorney General for the State of Wisconsin and was so employed at all times relevant to this affidavit.
2. In the capacity as Attorney General, I have represented the Plaintiff, the State of Wisconsin, in case number 04-CF-141, *State of Wisconsin v. Chai Vang*.
3. I have carefully reviewed defendant's Affidavit for Change of Venue. I believe the exhibits have appeared as stated by Defendant's counsel.
4. I have also carefully reviewed what I believe to be the relevant and governing case and statutory law pertaining to the change of venue and the defendant's brief in support of his motion. I am also submitting a brief in opposition to defendant's motion.

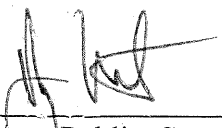
5. I believe that the newspaper coverage of this case reflects fair, uneditorialized and non-inflammatory news reporting.
6. I believe that the newspaper articles alleged to be prejudicial by the defendant in this case are now over five months old and trial is scheduled to begin in an additional four and a half months. I also believe that the newspaper articles cited by the defendant represent fair and non-inflammatory news reporting by several people.
7. I do not believe that the State of Wisconsin was responsible for any publicity which might be construed as prejudicial to the defendant. I believe important factors in determining change of venue are not yet ripe for consideration in this case, to wit: difficulty encountered in selecting a jury, the extent to which jurors are familiar with the publicity, the defendant's utilization of peremptory and for cause challenges available on voir dire, among others. Based upon this fact, indications that there is a reasonable likelihood that a fair trial cannot be held in Sawyer County are mere speculation.
8. Based on the facts alleged, I do not believe that the defendant has shown the existence of community prejudice against the defendant such that a fair trial cannot be had in Sawyer County.
9. I believe that the determination of a motion for change of venue is addressed to the sound discretion of the trial court, and that the motion should not be granted unless there is a *reasonable likelihood* that a fair trial cannot be held in Sawyer County.
10. I believe that the defendant's affidavit and exhibits do not support a finding that there is reasonable likelihood that a fair trial cannot be had in Sawyer County.

11. I believe that in consideration of this motion, the court may consider such other recognized remedial actions as voir dire proceedings.
12. Your affiant would not be opposed to the court's denial of defendant's motion for a change of venue without prejudice to allow the defendant to renew said motion upon the voir dire of prospective jurors to demonstrate prejudice.
13. The above allegations do not necessarily encompass all of your affiant's arguments in opposition to the motion for a change of venue.
14. Your affiant makes and will file this counter-affidavit pursuant to the provisions of Wis. Stat. § 971.22(2).

Dated at Madison, Wisconsin, this 10th day of May, 2005.


PEGGY A. LAUTENSCHLAGER
Wisconsin Attorney General
State Bar #1017972

Subscribed and sworn to before me
this 10th day of May, 2005.



Notary Public, State of Wisconsin
My commission: is permanent